

REMARKS

Claims 1 – 10 are pending, claims 11 and 13 – 20 having been withdrawn. The applicants respectfully request reconsideration and allowance of this application in view of the following remarks.

Counsel for the applicants wishes to thank the examiner for the courtesy of the telephone discussion on February 8, 2005, concerning the status of the present office action.

Claims 1 – 4 and 6 are rejected under 35 USC 103(a) as being unpatentable over U.S. Patent 5,448,996, Bellin et al. (“Bellin”) in view of U.S. Patent 5,550,324, Black (“Black”), further in view of U.S. Patent 6,095,844, Kasai (“Kasai”). Claim 5 is rejected under 35 USC 103(a) as being unpatentable over Bellin in view of Black and Kasai and further in view of U.S. Patent 3,832,603, Cray et al. (“Cray”). Claims 7 – 10 are rejected under 35 USC 103(a) as being unpatentable over Bellin in view of Black and Kasai and further in view of U.S. Patent 6,210,339, Kiepen et al. (“Kiepen”). The rejection is respectfully traversed for reasons including the following which are submitted by way of example.

By way of procedural history, a first office action was mailed June 2, 2004, and included a rejection of claims 1 – 20 under 35 USC 103(a). An Amendment was filed on August 31, 2004, including amendments to the claims together with a traversal and arguments in response to the first office action. A restriction requirement was mailed on September 13, 2004 and responded to by an election without traverse. The present office action was mailed on December 2, 2004, with a rejection under 35 USC 103(a) that is identical to the rejection in the first office action (except that the present rejection is limited to the claims 1 – 10).

No additional text was provided in the present rejection. Further, the present rejection does not appear to be applied to the current claims as amended.

When a response to an office action is filed with a traversal, “the examiner should make proper reference thereto in his or her action on the amendment. Where the applicant traverses any rejection, the examiner should, if he or she repeats the rejection, take note of the applicant's argument and answer the substance of it.” MPEP 707.07(f). Moreover, “If a rejection of record is to be applied to a new or amended claim, specific identification of that ground of rejection, as by citation of the paragraph in the former Office letter in which the rejection was originally stated, should be given.” MPEP 707.07(f).

The present office action is defective because it fails to explain why the claims as amended are rejected. Additionally, the present office action is defective because it does not appear to be applied to the claims as amended. Moreover, although the applicants expressly traversed the rejection and submitted detailed arguments in response to the first office action, the office action erroneously failed to take note of the argument and answer the substance of it. The applicants believe they have already responded fully to the rejection.

Accordingly, pages 11 – 15 of applicant's Amendment filed on August 31, 2004, are incorporated herein by reference. The examiner is requested to reconsider and withdraw the rejection in view of the comments and material incorporated herein.

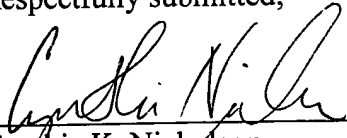
Moreover, because the non-final office action mailed December 2, 2004 completely failed to advance prosecution, the examiner is respectfully requested that the next office action, if any, also be non-final.

In view of the foregoing, the applicants respectfully submit that this application is in condition for allowance. A timely notice to that effect is respectfully requested. If questions relating to patentability remain, the examiner is invited to contact the undersigned by telephone.

Serial No. 10/602,815

Please charge any unforeseen fees that may be due to Deposit Account No. 50-1147.

Respectfully submitted,


Cynthia K. Nicholson
Reg. No. 36,880

Posz & Bethards, PLC
11250 Roger Bacon Drive, Suite 10
Reston, VA 20190
Phone 703-707-9110
Fax 703-707-9112
Customer No. 23400